

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALFRED JOHN WEBER, )  
 ) CASE NO. C13-0414-JLR-MAT  
Plaintiff, )  
 )  
v. )  
 ) REPORT AND RECOMMENDATION  
CAROLYN W. COLVIN, Acting )  
Commissioner of Social Security, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded. (Dkt. 19.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). The parties stipulate that, on remand, the ALJ shall offer plaintiff an opportunity for a new hearing, further update the medical record, and issue a new decision, and shall: (1) further evaluate the severity of all impairments with the assistance of a psychological

01 expert regarding the nature and severity of plaintiff's mental impairments; (2) consider all  
02 medical source opinions and fashion a complete residual functional capacity (RFC) finding; (3)  
03 provide specific reasoning for the weight given to opinion evidence, discussing the evidentiary  
04 basis for conclusions, along with an adequate rationale for either accepting or rejecting  
05 probative medical opinions; (4) include all unrejected work related limitations in the RFC  
06 finding; (5) reassess steps four and five with the assistance of a vocational expert, ensuring that  
07 the vocational expert is provided a hypothetical that is consistent with the RFC; and (6)  
08 consider materiality of substance abuse as envisioned under Social Security Ruling 13-2p.  
09 Also, upon proper presentation, the Court will consider plaintiff's application for attorney's  
10 fees and expenses under 28 U.S.C. § 2412(d), and costs under 28 U.S.C. § 1920.

11         Given the above, the Court recommends that United States District Judge James L.  
12 Robart immediately approve this Report and Recommendation and order the case REVERSED  
13 and REMANDED for further administrative proceedings pursuant to sentence four of 42  
14 U.S.C. § 405(g). A proposed order accompanies this Report and Recommendation.

15         DATED this 6th day of August, 2013.

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18         Mary Alice Theiler  
19         United States Magistrate Judge  
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